

REMARKS

Receipt of the Office Action mailed July 16, 2002 is acknowledged. This paper is intended to be a full and complete response to that communication. Claims 1-4 are canceled and now new claims 5-24 are currently pending in the application.

I. Rejections Under 35 U.S.C. § 112

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-4 have been canceled and thus the objection is moot. Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

II. Rejections Under 35 U.S.C. § 102

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Katayama (Bioscience, Biotechnology, Biochemistry (2000), 64 (4), 808-15. Katayama teaches a similar compound mixed with sucrose and applied to the plant stem or seeds in a manner as was known in the prior art to promote root formation. Claims 1 and 3 are canceled and thus the rejection is moot. Newly added claims 5-24

are not taught by Katayama (Bioscience, Biotechnology, Biochemistry (2000) either singly or in combination because the cited art does not teach that the compound can be applied to a leaves surface by spraying to promote root growth. The cited art fails to teach the specific compound delivery system combination and method of delivery.

Additionally the cited art teaches away because it teaches the inclusion of sucrose that is not beneficial to a plant when applied to a leaves surface and thus teaches away from the instant inventions system and method of promoting root growth.

III. Rejections Under 35 U.S.C. § 103

Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Katayama (Bioscience, Biotechnology, Biochemistry (2000), 64 (4), 808-15. The Examiner's position is that one skilled in the art would be motivated to take the root inducing compound, remove sucrose and apply the solution to the leaves without any teaching or motivation other than "routine experimentation" where the prior art method was to apply the root inducing compound to the stem prior to planting.

The prior art is silent and provides no motivation to apply the root-inducing agent to the surface of the leaves

of a plant. The Examiner improperly uses the applicant's own disclosure and hindsight reasoning to reject the claims.

The concentration of 10^{-7} to 10^{-2} M provides unexpected results in that it is much more effective than the concentration being placed directly on the stem because of a more effective delivery mechanism. No other known system of root growth teaches the application of root growth agents to the leaves surface. This method allows the more efficient use of root growth hormone since it is not washed out during watering of the plant and diffused through the soil plug. Instead the majority of the root-inducing agent is directed toward root growth when applied to the leaves. This is an unexpected result and meets a long felt need in the agricultural industry to minimize costs and maximize growth. Furthermore this method of application to the leaves allows for repeated applications of the root inducing agent if desired which would be harmful to the roots if the prior art method were used which would require extraction of the stem from the soil plug and reapplication of the root inducing agent. In light of the above arguments allowance of the claims is respectfully requested.

IV Conclusion

Based on the foregoing amendments and discussion, it is respectfully requested that all rejections and objections be withdrawn and the application passed to issue.

Respectfully submitted,



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Dated: 10 OCT 02

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The undersigned hereby certifies that this paper along with any paper or document referred to therein as being attached or enclosed, is being deposited with the United States Postal Service via First Class Mail, Postage Prepaid, service under 37 C.F.R. §1.8, in an envelope addressed to the Assistant Commissioner for Patents, Box AF, Washington D.C. 20231- This 10th day of October 2002.



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